



# भारत का राजपत्र

## The Gazette of India

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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में पिछे पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following Bill was introduced on 2.8.2001:—

BILL No. 38 OF 2001

*A Bill further to amend the Government of Union Territories Act, 1963 and the  
Government of National Capital Territory of Delhi Act, 1991.*

Be it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title  
and  
commencement.

## CHAPTER II

### AMENDMENTS TO THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

Amendment of section 23.

**2.** In section 23 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

20 of 1963.

“(e) the receipt of money on account of the Consolidated Fund of the Union territory or the public account of the Union territory or the custody or issue of such money or the audit of the accounts of the Union territory.”.

Amendment of section 47.

**3.** In section 47 of the principal Act, for the words “all loans advanced to the Union territory from the Consolidated Fund of India”, the words “all loans advanced to the Union territory from the Consolidated Fund of India and all loans raised by the Government of India or the Administrator of the Union territory upon the security of the Consolidated Fund of the Union territory” shall be substituted.

Insertion of new section 47A.

**4.** After section 47 of the principal Act, the following section shall be inserted, namely:—

Public Account of the Union territory and moneys credited to it.

**‘47A. (1)** As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Administrator shall be credited to a Public Account entitled “the Public Account of the Union territory”.

(2) The custody of public moneys, other than those credited to the Consolidated Fund of the Union territory or the Contingency Fund of the Union territory, received by or on behalf of the Administrator, their payment into the Public Account of the Union territory and the withdrawal of moneys from such account and all other matters connected with or ancillary to the aforesaid matters shall be regulated by rules made by the Administrator with the approval of the President.’.

Insertion of new sections 48A and 48B.

**5.** After section 48 of the principal Act, the following sections shall be inserted, namely:—

Borrowing upon the security of the Consolidated Fund of the Union territory.

**“48A. (1)** The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Union territory within such limits, if any, as may, from time to time, be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed:

Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Administrator subject to such conditions, if any, as the Government of India may think fit to impose.

(2) Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Union territory.

Form of accounts of the Union territory.

**48B.** The accounts of the Union territory shall be kept in such form as the Administrator may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules.”.

## CHAPTER III

### AMENDMENTS TO THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

Amendment of section 22.

**6.** In section 22 of the Government of National Capital Territory of Delhi Act, 1991 (hereinafter referred to as the principal Act), in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

1 of 1992.

“(e) the receipt of money on account of the Consolidated Fund of the Capital or the Public Account of the Capital or the custody or issue of such money or the audit of the accounts of the Capital.”.

**7.** In section 46 of the principal Act, for the words "all loans advanced to the Capital from the Consolidated Fund of India", the words "all loans advanced to the Capital from the Consolidated Fund of India and all loans raised by the Government of India or by the Lieutenant Governor upon the security of the Consolidated Fund of the Capital" shall be substituted.

Amendment  
of section 46.

**8.** After section 46 of the principal Act, the following section shall be inserted, namely:—

**'46A. (1)** As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Lieutenant Governor shall be credited to a public account entitled "the Public Account of the Capital".

Insertion of  
new section  
46A.

Public  
Account of the  
Capital and  
moneys  
credited to it.

**(2)** The custody of public moneys, other than those credited to the Consolidated Fund of the Capital or the Contingency Fund of the National Capital Territory of Delhi, received by or on behalf of the Lieutenant Governor, their payment into the Public Account of the Capital and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by rules made by the Lieutenant Governor with the approval of the President.'

**9.** After section 47 of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
47A and 47B.

**"47A. (1)** The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Capital, within such limits, if any, as may from time to time be fixed by Parliament by law and to the giving of guarantee within such limits, if any, as may be so fixed:

Borrowing  
upon the  
security of the  
Consolidated  
Fund of the  
Capital.

**Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Lieutenant Governor subject to such conditions, if any, as the Government of India may think fit to impose.**

**(2)** Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Capital.

**47B. The accounts of the Capital shall be kept in such form as the Lieutenant Governor may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules."**

Form of  
accounts of  
the Capital.

**STATEMENT OF OBJECTS AND REASONS**

The two Union territories of the National Capital Territory of Delhi and Pondicherry with Legislative Assemblies have their own Consolidated Funds, but they do not have the power to borrow from the market. It is proposed that the said Union territories may be given the authority to borrow upon the security of the Consolidated Fund of the Union territory concerned as also to allow the Administrator or Lieutenant Governor to exercise the powers of the Government of India in this regard, subject to such conditions as the Government of India may think fit to impose. It is also proposed to make provisions for their separate Public Accounts as well as their own cash balance with the Reserve Bank of India, separate from the cash balance of the Government of India.

2. On the lines of articles 292 and 293(4) of the Constitution, it is proposed to insert a new section 47A in the Government of National Capital Territory of Delhi Act, 1991 to provide that the executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Capital, within such limits, if any, as may from time to time be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed. This power will also be exercisable by the Lieutenant Governor of the Capital subject to such conditions, if any, as the Government of India may think fit to impose. Similar provision is proposed to be made by inserting new section 48A in the Government of Union Territories Act, 1963 in so far as the Union territory of Pondicherry is concerned.

3. Further, it is proposed to insert, on the pattern of the provision contained in clause (2) of article 266 and clause (2) of article 283, a new section 46A in the Government of the National Capital Territory of Delhi Act, 1991 to provide for a separate Public Account of the Capital and to regulate its custody by rules made by the Lieutenant Governor with the approval of the President. It is, similarly, proposed to insert a new section 47A in the Government of Union Territories Act, 1963 to provide for a separate Public Account in respect of Pondicherry. Incidental and consequential amendments are also proposed to be made in sections 23 and 47 of the Government of Union Territories Act, 1963 on the lines of articles 110(1)(f) and 199 (1)(f) of the Constitution. Similarly, amendments are being made in sections 22 and 46 of the Government of National Capital Territory of Delhi Act, 1991, in so far as the Capital is concerned. This revised arrangement is envisaged to enable the Reserve Bank of India to monitor the ways and means position of these two Union territories on a day to day basis and bring them within the normal discipline relating to limitations and regulations of overdrafts already applicable in respect of the State Governments. This will also enable the two Union territories to operate their finances on their own in real terms and encourage them to observe strict financial discipline.

4. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;  
*The 16th April, 2001.*

L. K. ADVANI.